Post 6/13/67

The Washi

AN INDEPENDENT NEWSPAPER

Freedom to Report

The Supreme Court's decision, overturning the lower court's award of damages to General Walker for Associated Press reports on the riots at the University of Mississippi, in essence and by interpretation, extends to public figures the protection against libel actions previously afforded to accounts involving public officials in *New York Times v. Sullivan.*

This seems a logical construction of the earlier opinion that is consistent with the Supreme Court's prior estimate of the importance of providing the general public with full accounts of public matters. There is, to be sure, some risk in this doctrine that the latitude allowed the press may work injustice; but any holdings that precluded utterly such a hazard would paralyze press coverage of public matters. In a certain sense, the Supreme Court, in this case, reached its views by stepping into the news room and examining the reporting from Mississippi for evidences of negligence or malice. It is an invasion of the editor's role that the press, in this case, will not resent.

In refusing to overturn libel verdicts given Wallace Butts against the Curtis Publishing Company, the Supreme Court has again arrived at an editorial judgment. And its editorial verdict in this case is that the editors did not exercise sufficient care, given the information that had been furnished them by principals and the access they enjoyed to the facts. Justice Black and Justice Douglas dislike this finding and express their preference for leaving the press "free from the harassment of libel judgments." Justices Brennan and White believe the verdict against Curtis Publishing Co. should have been overturned under the standard stated in the New York Times case.

The American press may not stand in that ideal posture preferred by Justices Black and Douglas. But *Associated Press v. Walker* and *Curtis Publishing Co. v. Butts* give to the media of the United States a greater freedom from unreasonable restraint that might interfere with the adequate reporting of public affairs than is enjoyed by the press in any other country in the world. Publications in this country cannot blame the libel laws, as here construed, for any defects in the reporting of important public events involving official persons or public figures.